

Claims 1 and 9 to 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,063,350 (“Tarabulski”). Applicants have reviewed the reference and respectfully submit that the claimed invention is patentably distinguishable over Tarabulski for at least the following reasons.

Independent Claim 1 concerns an exhaust gas purifying apparatus for an engine. The apparatus includes an addition apparatus that adds a reducing agent of NOx to an exhaust gas from the engine and a storage tank that stores the reducing agent of NOx or a precursor thereof in a state of an aqueous solution. A concentration sensor detects a concentration of the reducing agent or precursor contained in the aqueous solution that is stored in the storage tank. A controller determines whether or not the aqueous solution in the storage tank is in a stationary state. When the aqueous solution is determined to be in a stationary state, the controller permits the concentration sensor to sense the concentration. When the aqueous solution is not in a stationary state, the controller prohibits sensing of the concentration by the concentration sensor. In this manner, concentration detection errors due to the aqueous solution being in a non-stationary state are reduced. Independent Claims 15 and 17 include similar features.

Tarabulski is not seen to disclose the foregoing features of the claimed invention. In particular, Tarabulski is not understood to disclose at least the features of determining whether an aqueous solution in a storage tank is in a stationary state and controlling a concentration sensor to sense a concentration of a reducing agent or precursor in the aqueous solution when the aqueous solution is in a stationary state and to prohibit the concentration sensor from sensing the concentration when the aqueous solution is not in a stationary state.

Tarabulski is directed to an SCR system in which a modular assembly is mounted inside a urea reagent tank to control the feeding of an aqueous urea solution to an injector. *See Abstract, Tarabulski. Column 8, lines 28-67, and column 9, lines 1-52, in Tarabulski describe*

monitoring the quality, temperature and level of the urea solution in a storage vessel. However, nothing in Tarabulski is seen to teach or even suggest monitoring whether or not the urea solution in the storage vessel is in a stationary state. Furthermore, nothing in Tarabulski is seen to teach or even suggest that the monitoring of the quality, temperature or level of the urea solution is controlled based on a determination of whether or not the urea solution is in a stationary state.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP § 2131. As discussed above, Tarabulski is not seen to disclose at least the features of determining whether an aqueous solution in a storage tank is in a stationary state and controlling a concentration sensor to sense a concentration of a reducing agent or precursor in the aqueous solution when the aqueous solution is in a stationary state and to prohibit the concentration sensor from sensing the concentration when the aqueous solution is not in a stationary state. Accordingly, Tarabulski is not seen to anticipate independent Claims 1, 15 and 17. Therefore, reconsideration and withdrawal of the § 102(b) rejection of Claims 1, 15 and 17 are respectfully requested.

The other rejected claims in the application are dependent, either directly or indirectly, from independent Claims 1 and 15 discussed above and therefore are believed to be allowable over the applied reference for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each claim on its own merits is respectfully requested.

In view of the foregoing remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502203 and please credit any excess fees to such deposit account.

Applicants' undersigned representative may be reached in our Orange County, California office at the telephone number shown below. All correspondence should continue to be directed to the address associated with the customer number indicated below.

Respectfully submitted,

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